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Telephone Interview Summary

On 15 September 2004, Applicant's undersigned Attorney called the Examiner in response to the final Office Action. Applicant noted that the "Response to Arguments" on pages 4-5 of the final Office Action was an exact copy of the "Response to Arguments" on page 4-5 of the Office Action dated 10 December 2003. Applicant asserted such a repeat was inappropriate as the arguments submitted in the Amendment dated 07 May 2004 were not the same arguments submitted with the Amendment dated 17 September 2003. In other words, the Examiner and his supervisor appear not to have fully considered Applicant's Amendment and remarks dated 07 May 2004.

Applicant respectfully requested the Examiner reconsider, with his supervisor, the Amendment and arguments dated 07 May 2004. Applicant asserts this request was particularly appropriate as the rejection was made final. Without sufficient clarity as to the Examiners' positions on the latest Amendment, Applicant is left without sufficient information for deciding whether to appeal the rejection or file a second Request for Continued Examination.

The Examiner indicated his supervisor would not grant any reconsideration without a written response to the final Office Action. Applicant expressed concern that filing a written response solely to repeat prior arguments and

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obtain consideration that should have already occurred was wasting Applicant's ability to respond to any rebuttal that should have been in the final Office Action to begin with, in addition to likely wasting Applicant's resources. The Examiner indicated filing a written request was the only way to receive the consideration Applicant was requesting.

The Finality of the Office Action Should be Withdrawn

As Applicant has used this response to the final Office Action to obtain a proper response to the Amendment and arguments dated 07 May 2004, Applicant respectfully requests the finality of the Office Action be withdrawn. Applicant will not be provided with an opportunity to review and respond to any rebuttal to Applicant's remarks that may be provided by the Examiners.

At the very least, Applicant requests the Examiner to contact the undersigned at (847) 490-1400 to discuss the Examiners' rebuttal, if any. Applicant has made good faith efforts to respond to all comments and concerns made by both Examiners during telephone interviews throughout prosecution and expects and requests the same from the Examiners.

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The undersigned is also willing to again discuss the merits of this Patent Application, and any further possible amendment for clarity, with the Examiner, if desired, before the Examiner brings these remarks to his supervisor.

Claim Rejections - 35 U.S.C. §103

Claims 1-3, 5-7, 10, and 12-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilberto, European Patent Publication EP 0 884 425 in view of Couse et al., U.S. Patent 2,882,564.

Applicant's invention includes two matched universal joints. Each joint has a larger face that is disposed facing an opposite direction than the larger face of the other matched joint. The opposing faces have grooves for receiving a corresponding folded and inverted edge of a C-sectioned fixing element. The two folded and inverted edges of the C-sectioned fixing element snap to the two matched universal joints to hold them together, with each of the folded and inverted edges snapping into the corresponding groove in the two opposing larger faces. The use of Applicant's C-sectioned fixing element to hold two universal joints together in this manner is not disclosed or suggested in Gilberto or Couse et al., and provides a simple and easy attachment device that replaces the screw fixing means 9,10 of Gilberto (Gilberto: FIG. 2, Col. 3, lines 23-25).

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Applicant's claimed combination sufficiently differs in form and application from the structure disclosed in Couse et al., such that Applicant's claimed invention would not have been obvious to one skilled in the art at the time the invention was made. Couse et al. discloses a combination hinge and U-shaped binder member 44. The use of the U-shaped binder member 44 without the corresponding hinge 20 is not disclosed or suggested in Couse et al.

The Examiner is taking the U-shaped binder member 44 from the disclosed combination with the hinge 20 and adding it to a structure that is already sufficiently secured together by a screw fixing means. Gilberto does not provide any indication that the screw fixing means of the joints is in any way insufficient for securing the two tubular structures.

The only way that the Examiner could have arrived at Applicant's claimed invention from the art relied upon, was to use Applicant's claims as a starting point and rely on 100% hindsight. The Examiner looked at Applicant's claims alone as a starting point or "template" for the invention, instead of starting from the position of a person skilled in the art having no prior knowledge of the invention. Having gleaned an understanding of the invention from Applicant's claims, he worked backwards into the prior art, searching for the use of any generally "C-shaped" element that he could apply to Gilberto in the manner claimed by Applicant.

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However, Applicant's invention is not the addition of the C-sectioned fixing element to the structure of Gilberto, as in the combination made by the Examiner. Applicant's claimed invention substitutes the C-sectioned fixing element for the screw attachment means of Gilberto. The combination made by the Examiner, adding the U-shaped binder element 44 to the already secured joints of Gilberto, does not provide Applicant's claimed invention, wherein the C-sectioned fixing element alone holds the matched universal joints together.

Furthermore, the U-shaped binder member 44 of Couse et al. has enlarged end portions for holding two abutting wall panels in an open, parallel hinged position. (Col. 3, lines 15-22). As shown in Fig. 3 of Couse et al., the U-shaped binder member slides into two grooves which are located in the two adjacent surfaces which are disposed in the same plane and facing the same direction (i.e., not an opposite direction, as in Applicant's claimed invention). Without the knowledge of Applicant's claimed invention and the benefits disclosed in Applicant's Substitute Specification, one skilled in the art would not find a motivation or suggestion in Gilberto or Couse et al., alone or in combination, or the knowledge generally available to one skilled in the art at the time of the invention, to apply an U-shaped binder member that slides into two grooves in two adjacent walls facing the same direction to opposing faces of joints in the manner disclosed and claimed by Applicant.

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In summary, the U-shaped binder member 44 is not an equivalent structure to Applicant's claimed C-sectioned fixing element. The U-shaped binder member 44 is also not used in an equivalent manner as Applicant's claimed C-sectioned fixing element.

Applicant respectfully requests that for at least the reasons stated above, the rejection over the combination of Gilberto and Couse et al. be withdrawn.

Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



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